

DRAFT MINUTES
COMMISSION ON LOCAL GOVERNMENT

Regular Meeting

10:00 a.m., July 16, 2007

Members Present

Frances M. Parsons, Vice Chairman
Harold H. Bannister, Jr.
John G. Kines, Jr.
Vola T. Lawson

Members Absent

Kathleen K. Seefeldt, Chairman

Others Present

Susan Williams, Local Government Policy Manager
Steve Ziony, Principal Economist
Barbara Johnson, Administrative Assistant
Ted McCormack, Director of Governmental Affairs, Virginia Association of Counties

Call to Order

The Vice Chairman called the meeting to order at 10:02 a.m., July 16, 2007 in the Board Room of the Department of Housing and Community Development at the Jackson Center in Richmond, Virginia.

I. Resolution of Recognition

Mrs. Parsons presented a resolution to Mr. Ted McCormack recognizing his significant contributions to the Commission during his distinguished tenure as Associate Director. Mr. McCormack expressed his appreciation for the resolution as well as for the opportunity to work with the Commission over the years.

II. Administration

A. Approval of Minutes of Regular Meeting of May 14, 2007

The minutes of the Commission's regular meeting of May 14, 2007 were approved with one clarifying amendment put forward by Ms. Williams.

B. Public Comment Period

The Vice Chairman opened the floor to receive comments from the public. No person appeared to testify before the Commission during the public comment period.

C. Presentation of Financial Statement for June 2007

The Local Government Policy Manager indicated that the member's packet for the current meeting contained an internally produced financial statement that encompassed expenditures through the end of June 2007. Ms. Williams stated that the financial report covered all of Fiscal Year 2007 and explained that the balance remaining at the end of the fiscal year, a significant portion of which was attributable to vacancy savings realized from her position and that of the senior policy analyst, was used by the Department of Housing and Community Development for expenditures associated with the Commission as well as the larger agency. The members accepted the report for filing.

D. Local Government Policy Manager's Report

1. Hiring of Senior Policy Analyst Position

Ms. Williams explained to the Commission that she had revised the Employee Work Profile (EWP) and job description for the vacant Senior Policy Analyst position, readvertised the position and conducted interviews on July 12 and 13. Ms. Williams indicated that she would meet with the two other members of the interview panel on July 18 to discuss the interviews and to select the most appropriate candidate.

2. Conflict of Interests

In response to a question raised at the May 14, 2007 CLG meeting, Ms. Williams provided the members with copies of Va. Code § 15.2-2906, which relates to the disqualification of Commissioners under certain circumstances and 1VAC50-20-100, the regulation which

requires the CLG to adopt Canons of Conduct. Ms. Williams also distributed copies of the CLG Canons of Conduct and briefly discussed Canon 2 relating to the avoidance of impropriety and the appearance of impropriety.

3. CLG Responsibilities

In response to a question raised at the May 14, 2007 CLG meeting regarding whether the agreement anticipated in the Town of Onley – County of Accomack annexation petition will come to the Commission for review, Ms. Williams provided a brief overview of the cases required by statute to come before the CLG, and she distributed copies of the Commission's Structures and Responsibilities document. Ms. Williams further explained that, while two or more localities may establish, relocate or change the boundary line between them by agreement without the CLG's involvement, if the agreement includes provisions relating to revenue sharing or with respect to annexation, immunity or transition rights of the jurisdictions, then the agreement is subject to review by the Commission and by a special three-judge court.

4. Potential Interlocal Issues

Ms. Williams indicated that, at the town administrator's request, she visited Urbanna on May 15 and met with the town administrator and mayor to provide general information and respond to questions regarding the boundary line adjustment and annexation processes.

Ms. Williams informed members that Sands Anderson Marks and Miller has been retained by an unidentified town to pursue an annexation petition. Two attorneys from the law firm visited the CLG's offices on July 3 to review annexation files. They also requested transcripts of the CLG proceedings relating to two past annexation actions, both of which have been archived at the Library of Virginia. CLG staff is working with Library staff to locate and provide timely access to the requested documents.

In addition, Ms. Williams informed the members that she received an inquiry from the County Administrator for Montgomery County seeking information regarding how to proceed with a voluntary economic growth sharing agreement written pursuant to Va. Code § 15.2-1301. Ms. Williams provided information to the county including copies of the regulations pertinent to the inquiry – 1VAC50-20-382 and 1VAC50-20-612 – which set forth the requirements for referral of such agreements to the Commission as well as the information that must be submitted for the Commission’s consideration. Ms. Williams distributed copies of these regulations to the members and explained that this would be a case of first impression for the CLG, as the Commission has not previously reviewed a Va. Code § 15.2-1301 voluntary economic growth sharing agreement.

5. Meeting Per Diem

Ms. Williams stated that, in accordance with the Commission’s policy on compensation and reimbursement, per diem will be paid to Mrs. Parsons for July 15 and per diem will be paid to Mrs. Parsons and all members present for their service to the Commonwealth on July 16, 2007.

6. Other

Ms. Williams indicated that, in early July, the Commission’s annual survey of cash proffers was mailed to all counties, cities and towns eligible to accept cash proffers. The completed survey instruments are due back to the CLG by September 28. In addition, Ms. Williams indicated that letters requesting their annual reports were mailed to all Planning District Commission Executive Directors on July 5.

Ms. Williams informed the members that she is in the process of reviewing and, as necessary, updating numerous CLG documents to incorporate changes through the 2007 General

Assembly Session. The updated documents are being posted to the CLG website as the revisions are completed.

Ms. Williams explained that the Governor's Urban Policy Report had been released since the last CLG meeting, and she distributed copies to the members.

Ms. Williams indicated that, since the last CLG meeting, DHCD's Public Relations Director had written and submitted to *Virginia Review* the article on the CLG discussed at that time. The article is expected to appear in the next issue of the publication.

III. Assessment of State and Federal Mandates on Local Governments

A. Staff Update

Ms. Williams reminded the members that, since their last meeting, an Executive Order establishing the policies and procedures for agency assessment of state and federal mandates imposed on local governments had been drafted and circulated for their approval. The draft Executive Order was subsequently submitted to the Secretary of Trade and Commerce for consideration. Ms. Williams provided copies of the draft Executive Order and cover memoranda to the members. Mrs. Parsons offered to contact the Governor's Office to assist in obtaining consideration of the draft Executive Order.

IV. HB 3202/Creation of "Urban Transportation Service Districts"

A. Staff Update

Ms. Williams reminded members of the discussion at their May meeting pertaining to the provision in HB 3202 that, if the parties disagree as to the boundaries of an urban transportation service district, they may request that the Commission serve as a mediator. At the May meeting, Ms. Williams explained that Va. Code § 15.2-2903(3) authorizes the Commission to serve as a mediator between localities and 1VAC50-20-660 addresses the Commission's mediation of "other interlocal issues." At the time, Ms. Williams indicated that, while mediation requested under HB 3202 would involve a state

agency and a locality instead of two or more localities as anticipated in 1VAC50-20-660, the regulation is analogous to the situation contemplated by HB 3202 and could serve as a guide should the Commission receive such a request for mediation. Mrs. Seefeldt then asked the Commission members to review the regulation identified by Ms. Williams and get back to her with any questions or comments.

B. Commission Deliberation and Action

Because Ms. Williams had not heard from any members regarding this matter in the interim, she asked for confirmation that the members would be comfortable using this suggested approach in the event that the Commission is asked to mediate a disagreement under HB 3202. The members agreed with the suggested approach.

V. Annual Report on County-Municipal Boundary Change Actions in Virginia

A. Staff Update

Ms. Williams informed the members that, due to CLG staff vacancies, the annual report on municipal boundary change actions was not prepared in time for release in February as has been customary. Ms. Williams indicated that Mr. Ziony kindly volunteered to conduct the necessary research and to draft this year's report. Ms. Williams expressed her appreciation and introduced Mr. Ziony, who presented the draft report to the Commission.

Mr. Ziony distributed the draft report to the members. He described his research methodology and highlighted the changes he made to the format of the report, including headings that more clearly describe the nature of the transfers, a key to the report and the inclusion of net acres transferred in addition to square miles. Mr. Ziony explained that the report describes 17 boundary change actions that took effect in 2006 involving 16 sets of localities. He also indicated that he is still seeking data relating to net population transferred from a number of localities and will update the report accordingly once such data is received or is determined not to be available.

VI. Scheduling of Meetings

The Commission confirmed that its next regular meeting will take place on Monday, September 10, 2007 at the DHCD offices in Richmond. After a brief discussion, the Commission chose Monday, November 5, 2007 as the date for its regular November meeting in order to accommodate any CLG member or staff who may wish to attend the VACo Annual Conference in Bath County. The November meeting will take place at the DHCD offices in Richmond. The Commission scheduled its January regular meeting for Monday, January 14, 2008 to be held at the DHCD offices in Richmond.

Finally, the members indicated that they would appreciate the opportunity to address attendees at VML and VACo conferences in 2008. A discussion ensued during which the members discussed the usefulness of a presentation focusing on the recent changes to the mandates assessment process, perhaps through the development of a case study relating to a particular mandate that has been imposed on local governments. Members also discussed the value of a presentation relating to the annexation process and geared to an audience of town officials. The Commission asked Ms. Williams to contact VACo and VML in order to put forward these suggestions.

VII. Adjournment

The meeting was adjourned at 11:38 a.m.

Frances M. Parsons
Vice Chairman

Susan B. Williams
Local Government Policy Manager

